

Application No. 10/687,116  
Responsive to Office Action dated June 16, 2006  
Attorney Docket No. FS-F03210-01

### Remarks

#### **1. Amendments and Preliminary Remarks**

By the present Amendment, claim 18 has been amended. Upon entry of the present Amendment, claims 15 to 29 will be pending in the application.

The amendment of claim 18 is supported on page 142, lines 6-24 in the specification of the present invention.

A statement of common ownership under 35 USC 103(c) and a certified Japanese priority document are being submitted.

#### **2. Comments**

##### **Paragraph 4-6: rejection of claims under 35 U.S.C.103(a)**

All of the rejections are based on Whitcomb (US 6,472,131).

Whitcomb'131 discloses a method of providing an image comprising A) imagewise exposing the photothermographic material to imaging radiation to form a latent image, and B) simultaneously or sequentially, heating said exposed photothermographic material to develop said latent image into a visible image (column 5, lines 49-57; column 7, lines 2-11; column 48, claim 26.). However, Whitcomb'131 does not disclose specifically how to heat "simultaneously or sequentially". Whitcomb'131 describes only in column 33, lines 1-33 a development condition of heating imagewise exposed material at a suitably elevated temperature. In example 1 in Whitcomb'131, thermographic materials which do not include a photosensitive silver halide were thermally developed with HOTBENCE having thermal gradient bar. In example 2 in Whitcomb'131, thermographic materials which also does not comprise a photosensitive silver halide were exposed using UV exposing apparatus "Spectraline ENF-24", wherein a silver carboxylate dimer absorbs UV light to result in a latent image on the dimer particles, and thereafter, were thermal developed with HOTBENCE. Exposing apparatus and thermal developing apparatus in these examples are separated.

Application No. 10/687,116  
Responsive to Office Action dated June 16, 2006  
Attorney Docket No. FS-F03210-01

Any examples in Whitcomb'131 do not disclose the embodiment in the present invention.

In the present invention, the process of imagewise exposing and thermal developing comprises imagewise exposing a part of the sheet and simultaneously developing a part of the sheet that has already been imagewise exposed. Said process can be accomplished using an image recording apparatus having both an exposure portion and a developing portion, and the distance between the exposure portion and the developing portion is decreased in order to be started the thermal development within 60 sec after imagewise exposure as disclosed in page 142, lines 6-14 in the present application. As shown in page 185, lines 7-12 and in Table 2, as for a photothermographic material having a photosensitive silver halide of high silver iodide content, it is unexpectedly advantageous to start thermal development within 60 sec after imagewise exposure.

Therefore, as Whitcomb'131 does not disclose nor suggest a method of providing an image in the present invention, and all of the other references also does not disclose nor suggest a method of providing an image in the present invention, the combination of Whitcomb'131 and the other references could not attain the present invention. It is respectfully requested that this rejection be withdrawn.

**Paragraph 7-9: rejection of claims under 35 U.S.C.103(a) & Applicant's statement of common ownership regarding 35 USC 103(c)**

Claims 15-29 were rejected under 35 U.S.C.103(a) as being obvious over the combination of Whitcomb'131 and 10/191,485 (US-2003/0118953) or 10/403,006 (US-2003/0207216A1).

An argument to Whitcomb'131 is shown in above paragraph.

Applicant is submitting herewith a certified translation of its Japanese priority document (2002-305556). Moreover, the current application, serial No. 10/687,116

Application No. 10/687,116  
Responsive to Office Action dated June 16, 2006  
Attorney Docket No. FS-F03210-01

and both of 10/191,485 (now US 7,060,423) and 10/403,006 were, at the time the invention of application 10/687,116 was made, owned by Fuji Photo Film Ltd.

Therefore, in light of the currently submitted priority document and the current statement of common ownership, 10/191,485 (now US 7,060,423) and 10/403,006 are unavailable as prior art against the current application.

**Paragraph 11, 12: rejection of claims 15-29 under obviousness-type double patenting**

Claims 15-29 were rejected under a provisional obviousness-type double patenting as being unpatentable over the combination of 10/191,485 and Whitcomb'131, or over the combination of 10/403,006 and Whitcomb'131.

Both of 10/191,485 and 10/403,006 have a common assignee with the present application. Applicant files a terminal disclaimer of the present invention to Applications 10/191,485 and 10/403,006.

In view of the foregoing amendments and remarks, it is respectfully submitted that all of the pending claims are in condition for allowance. Favorable action is respectfully requested.

Respectfully submitted,



Sheldon J. Moss  
Registration No. 52,053

Taiyo, Nakajima & Kato  
401 Holland Lane, Suite 407  
Alexandria, VA 22314  
703-838-8013  
October 13, 2006